

HOUSE BILL 1819

By Shepard

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 5, relative to the creation of the select
oversight committee on long-term care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, is amended by adding
the following as a new part:

71-5-1601.

As used in this part, unless the context otherwise requires, "managed care
organization (MCO)" means a health maintenance organization, as that term is defined
in § 56-32-102, any other entity regulated pursuant to the Health Maintenance
Organization Act of 1986, compiled in title 56, chapter 32, and any contractor of a health
maintenance organization or other entity regulated pursuant to the Health Maintenance
Organization Act of 1986.

71-5-1602.

(a) For the purpose of improving planning for facilities and programs, creating a
better environment for management, and ensuring the implementation of proposed
improvements in the long-term care system, there is created the select oversight
committee on long-term care, referred to as "the committee" in this part.

(b) The committee shall be composed of ten (10) members, with five (5)
members to be appointed by the speaker of the senate and five (5) members to be
appointed by the speaker of the house of representatives.

71-5-1603.

(a) The committee shall elect from among the membership of the committee a chair, a vice chair, and any other officer that the committee deems necessary.

(b) The committee may:

(1) Create subcommittees related to the purposes of the committee;

(2) Request that standing committees of the general assembly, the fiscal review committee, or other agencies study certain aspects of the long-term care system and report to the committee;

(3) Conduct hearings;

(4) Employ staff, subject to the availability of funds;

(5) Enter contracts for technical or professional services, subject to the availability of funds. The speaker of the senate and the speaker of the house of representatives shall jointly determine the qualifications and job descriptions of any consultant or person seeking to contract for the provision of services and shall jointly select the consultant or person on behalf of the committee; and

(6) Perform other duties as may be required to carry out the duties of the committee.

71-5-1604.

(a) The committee shall meet at least quarterly and at the call of the chair. The first meeting of the committee shall be convened by the speaker of the house of representatives.

(b) Each member of the committee is entitled to be reimbursed for the member's expenses for each day the member attends a meeting of the committee or any subcommittee in the same manner as the member is paid for attending legislative meetings pursuant to § 3-1-106; provided, that no member shall receive additional legislative compensation when the general assembly is in session or if the member is being paid any other payments on the same dates for attendance on other state business.

71-5-1605.

(a) The commissioner of finance and administration shall file with the committee for its review a written description of any proposed expenditure to implement a new program or expand an existing program relating to the provision of long-term care services, including expenditures relating to the administration and management of a new or expanded program. The committee may review an expenditure filed pursuant to this subsection (a) and may submit comments to the commissioner on the proposed expenditure no later than thirty (30) days after receipt by the committee of the proposed expenditure. If the commissioner makes an expenditure before the committee has an opportunity to submit comments pursuant to this subsection (a), or if the commissioner makes an expenditure in a manner that is inconsistent with the comments of the committee, the commissioner shall submit to the committee and to each member of the general assembly a written explanation of the reasons for making the expenditure.

(b)

(1) Except as otherwise provided by subdivision (b)(2), the commissioner of finance and administration shall file with the committee for its review a copy of any proposed federal waiver or amendment to a waiver relating to the provision of long-term care services, and any proposed contract involving risk-based contractors or MCOs, at least thirty (30) days before the waiver or amendment is filed with or submitted to the federal government or the contract is executed. The committee may review a waiver, amendment, or contract filed pursuant to this subdivision (b)(1) and may submit comments to the commissioner no later than thirty (30) days after receipt by the committee of the waiver, amendment, or contract. The commissioner is encouraged to consider any comments of the

committee submitted to the commissioner pursuant to this subdivision (b)(1) before taking further action.

(2) The commissioner of finance and administration shall file with the committee for its review a copy of any proposed waiver, amendment to a waiver, or renewal of a waiver for the TennCare program at least thirty (30) days before the waiver, amendment, or renewal is filed with or submitted to the United States department of health and human services. The commissioner shall not submit a waiver, amendment, or renewal to the department, nor shall a waiver, amendment, or renewal take effect, until the committee has been afforded the opportunity to comment in accordance with the provisions of this subdivision. The committee shall review each proposed waiver, amendment, and renewal filed with the committee pursuant to this subdivision and shall submit comments to the commissioner no later than thirty (30) days after receipt of the proposed waiver, amendment, or renewal. The commissioner is encouraged to consider any comments of the committee submitted to the commissioner pursuant to this subdivision before taking further action.

71-5-1606.

(a) Committee staff shall, at the direction of the chair, identify for review by the committee any bill introduced in the general assembly that will impact or potentially impact any matter within the jurisdiction of the committee. Committee staff shall notify the chair of the standing committee with jurisdiction over a bill identified for review of the time, date, and location of the committee's meeting to review the bill. Upon receiving notification, the chair or the chair's designee shall be deemed to be an ex officio member of the committee when the bill is reviewed by the committee.

(b) The committee shall review each bill identified pursuant to subsection (a) and provide the notice required by subsection (c) no later than thirty (30) days after the introduction of the bill. The committee shall not make a recommendation concerning the passage of a bill reviewed by the committee or prevent the consideration of the bill by the standing committee to which the bill is referred.

(c) Upon completion of the committee's review of a bill pursuant to subsection (b), the chair of the committee shall provide written notice to the chair of the appropriate standing committee of the completion of the bill's review by the committee and that the bill is ready for consideration by the standing committee. The committee shall include with the notice any comments of the committee with respect to the bill, and if the committee has reviewed the bill without comment, the notice shall indicate that the committee has reviewed the bill without comment.

71-5-1607.

The committee shall review regularly the following matters relating to the provision of long-term care services:

(1) Eligibility and enrollment standards, including determinations of how recipients of long-term care services are assigned to MCOs, and other matters related to the eligibility and assignment of TennCare enrollees and participants with respect to any options program established by part 14 of this chapter;

(2) The provision of services, facilities, programs, and benefit packages under the TennCare program and options programs;

(3) Education programs for enrollees in TennCare and options programs, MCOs, and providers, including education programs related to eligibility, access to providers and MCOs, benefit packages offered, required deductibles, and copayments;

- (4) The performance of MCOs, including the compliance of MCOs with contracts entered into with the state and any provider of long-term care services;
- (5) Compliance by state agencies with federal waivers;
- (6) Proposed amendments to a waiver for changes to the long-term care system and any evaluations or reports prepared for or by the federal government with respect to a proposed amendment;
- (7) Staffing within the department of finance and administration, including the recruitment, selection, training, compensation, and discipline of employees;
- (8) Management of the department of finance and administration, including matters relating to planning, budgeting, information systems, organizational structure, rules and regulations, and department policies and procedures; and
- (9) Any other related matters considered material by the committee.

71-5-1608.

The department of finance and administration, the department of health, the commission on aging and disabilities, the department of human services, and other agencies of state government shall provide the committee with information and administrative support upon the committee's request.

71-5-1609.

The committee shall prepare and submit to each member of the general assembly a written report on the activities of the committee no later than January 15 of each year.

71-5-1610.

The committee created by this part will terminate at the adjournment of the regular session of the general assembly convened in the year 2021. The general

assembly may continue the committee for five (5) years by appropriate action during the regular session.

SECTION 2. The provisions of this part expire and shall be deleted upon the adjournment of the regular session of the general assembly convened in the year 2021.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.